



General Assembly

**Substitute Bill No. 6696**

January Session, 2005

\* HB06696JUD\_\_041305\_\_ \*

**AN ACT PREVENTING BANK IMPERSONATION AND MISLEADING ADVERTISEMENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2005*) (a) No person shall use  
2       the name or trademark of a bank or any of its affiliates, as those terms  
3       are defined in section 36a-2 of the general statutes, in any commercial  
4       advertisement or solicitation for goods, products or services, where  
5       such usage, in the context of such advertisement or solicitation, has the  
6       capacity or tendency to mislead any consumer as to the existence or  
7       nature of any affiliation, connection, association or endorsement  
8       relationship between the bank or its affiliates and such person or the  
9       products, goods or services of such person. For the purposes of this  
10      subsection, the term "commercial advertisement or solicitation"  
11      includes the content of an Internet web site and direct mail  
12      solicitations.

13      (b) The Banking Commissioner shall enforce the provisions of  
14      subsection (a) of this section. Whenever it appears to the commissioner  
15      that any person has violated, is violating or is about to violate any of  
16      the provisions of said subsection (a), the commissioner may take action  
17      against such person in accordance with sections 36a-50 and 36a-52 of  
18      the general statutes, which shall include the right to seek injunctive  
19      relief, impose civil penalties and issue cease and desist orders, except

20 that no civil penalty in excess of ten thousand dollars per violation  
21 may be imposed.

22 (c) Any bank or affiliate of a bank that has had its name or  
23 trademark used in violation of the provisions of subsection (a) of this  
24 section may, in addition to any other remedy authorized by law, bring  
25 an action in the superior court in the judicial district in which the bank  
26 or affiliate has a branch or office to enjoin any act in violation of the  
27 provisions of said subsection (a) and recover damages. The court shall  
28 award damages in the amount of the actual damages or ten thousand  
29 dollars per violation, whichever is greater. In any successful action for  
30 injunctive relief or for damages, the court shall award to the bank or  
31 affiliate of a bank, as the case may be, attorneys' fees and costs,  
32 including court costs.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2005	New section
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**BA**            *Joint Favorable Subst.-LCO*

**JUD**          *Joint Favorable*